

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1999-203-T - ORDER NO. 2000-656  
AUGUST 15, 2000

IN RE: Application of On the Move Moving ) ORDER  
Company, Inc., 106 Annandale Ave., Greer, ) APPROVING  
SC 29651-1002 for a Class E Certificate of ) CERTIFICATE  
Public Convenience and Necessity. )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of On the Move Moving Company, Inc. (On the Move or the Company), 106 Annandale Ave., Greer, SC 29651-1002 for a Class E Certificate of Public Convenience and Necessity to transport household goods as follows:

Household Goods, As Defined in R. 103-210(1):  
Between points and places in South Carolina.

The Commission's Executive Director instructed On the Move to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. Petitions to Intervene were received from Lytle's Transfer & Storage, Inc.; Dale J. Cook Moving & Storage, Inc.; Arrow Moving & Storage, Inc.; Chavis Moving & Storage, Inc.; Austin Moving & Storage, Inc.; Carey Moving & Storage of Greenville, Inc.; McCoy's Moving & Storage Company; and Carey Moving & Storage, Inc.

A hearing on the Application of On the Move was held on June 22, 2000 at 10:30 AM in the offices of the Commission, with the Honorable William T. Saunders, Vice-Chairman presiding. On the Move was represented by David Popowski, Esquire of Charleston. On the

Move presented the testimony of Linda Dillard, Woody Wilson, Jeffrey Aughtry, and Scott Howard. The Intervenor Lytle's Transfer & Storage, Inc. (Lytle's) and Carey Moving & Storage of Greenville, Inc. (Carey) presented the testimony of B.R. Bland and M.A. Carey, respectively. The other Intervenor was not present at the hearing. The Commission Staff (the Staff) was represented by F. David Butler, General Counsel. The Staff presented no witnesses.

Linda Dillard, a real estate broker selling residential and commercial real estate in Greer, South Carolina, appeared as a shipper witness for the Company. Ms. Dillard stated that she was familiar with real estate transactions and the movement of people in the Upstate area of South Carolina, though not the Midlands or the Low Country. She stated that the real estate market in that area was growing, calling for the services of more movers. Ms. Dillard stated that it was hard to get movers on short notice in the Upstate. In her opinion, smaller companies like On the Move had a better opportunity to meet the demand on short notice. Ms. Dillard stated also that she knew the officers of the Applicant personally, and would recommend them for moves.

Woody Wilson, another real estate agent primarily familiar with the Upstate also testified as a shipper witness. Wilson noted that the Upstate was growing tremendously in size, and that several of his clients have had to move themselves for lack of the ability to acquire a mover. He therefore expressed the opinion that On the Move should be given a Certificate so that there would be an additional mover to help meet the demand.

Jeff Aughtry, an officer of the Applicant testified to the fit, willing, and able criteria of the Company. Aughtry is the financial officer. Aughtry noted that the Company owned a 35 foot truck free and clear. Aughtry states that the Company is a member of the American Movers' Association. Further, Aughtry states that the Company has 1 other employee (in addition to

another officer) who is a helper or laborer. Finally, Aughtry states that On the Move gets 30-40 calls per day from persons seeking household goods moves.

Scott Howard, the other corporate officer, actually drives the Company's truck. Howard related his experience with several other moving companies. Howard also stated that he has in-depth training in safety issues. Under cross-examination Howard admitted to pleading guilty to two counts of moving household goods with no authority.

Bill Bland testified for the Intervenor Lytle's. Bland noted that he did not believe that either Ms. Dillard or Mr. Wilson were shipper witnesses. With regard to the Applicants, Mr. Bland stated that the Company had only one truck, and was requesting statewide authority. Mr. Bland also noted that there were 70 movers in the Greenville-Spartanburg area already, and that it was his belief that the public was being served appropriately already without adding this Company as a mover.

Mike Carey, testifying for the Intervenor Carey's, no more movers were needed in the Upstate, and that the Company really did not present any shipper witnesses. Further, Carey noted, among other things, that On the Move had an ad already appearing in the Yellow Pages.

S.C. Code Ann. Section 58-23-590(C) (Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant On the Move has demonstrated that its service is required by the present public convenience and necessity only in

three counties in the Upstate of South Carolina, i.e. Greenville, Spartanburg, and Cherokee Counties. The shipper witnesses presented by the Company demonstrated a working knowledge only of the need for additional movers in the Upstate. Their knowledge of the public need in other areas of South Carolina was very limited or non-existent. Second, although we believe that, on the whole, the Company demonstrated that it was fit, willing, and able as stated in the relevant statute, we are concerned somewhat about the ability of On the Move to serve the entire State's needs with the limited equipment apparently possessed by the Company.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant only the following authority to On the Move in the form of a Class E Certificate of Public Convenience and Necessity for the movement of household goods as follows:

Household Goods, As Defined in R. 103-210(1):  
Between points and places in Greenville, Spartanburg, and Cherokee Counties.

The grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED:

1. The Application of On the Move Moving Company, Inc. for a Class E Certificate of Public Convenience and Necessity be, and hereby is approved in part for authority to transport household goods between points and places in Greenville, Spartanburg, and Cherokee Counties.
2. The Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 103-100 through R. 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and

Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

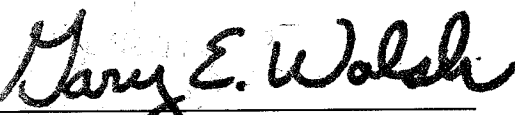
4. Prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)